



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date appearing below.

By KSR-Boades ELI LILLY AND COMPANY
Date 11-14-99

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas Frank Bumol, et al.)
Serial No. : 09/280,567) Attention:
Filed: March 30, 1999)) Branch Manager
For: THERAPEUTIC APPLICATIONS OF)
mFLINT POLYPEPTIDES)
Docket No. : X-12915)

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES

Assistant Commissioner for Patents
Washington, D. C. 20231
Attention: Box Sequence

Sir:

This is in response to a "Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures" dated May 4, 1999, noting the absence of a Sequence Listing.

Enclosed herewith are:

- 1) a copy of the Notice;
- 2) a computer-readable copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e);
- 3) a paper copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(c);
- 4) an affirmation pursuant to 37 C.F.R. § 1.821(f); and

Serial No. 09/280,567

- 5) a Preliminary Amendment amending the specification to include the sequence listing.

Respectfully submitted,



Thomas D. Webster
Attorney for Applicants
Registration No. 39,872
Phone: 317-276-3334

Eli Lilly and Company
Patent Division/TDW
Lilly Corporate Center
Indianapolis, Indiana 46285

November 4, 1997



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

ELI LILLY AND COMPANY

By YB Klaes

Date 11-4-99

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas Frank Bumol, et al.)
Serial No. : 09/280,567)
Filed : March 30, 1999) Group Art Unit:
For : THERAPEUTIC APPLICATIONS OF) 1646
mFLINT POLYPEPTIDES)
Docket No. : X-12915) Examiner:
) Unassigned

TRANSMITTAL OF DECLARATION UNDER 37 C.F.R. 1.51 (a) (1) (ii)
RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Box Missing Parts
Washington, D. C. 20231

Sir:

This is in response to a "Notice to File Missing Parts of Application" dated May 4, 1999, noting the absence of a signed declaration from the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice and 2) a Declaration under 37 C.F.R. 1.51(a)(1)(ii) by the Applicants in this application.

Please see the enclosed Fee Transmittal for payment of any surcharge. The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this Response, or credit any overpayment, to Deposit Account No. 05-0840.

11/10/1999 CVORACHA 00000055 050840 09280567

05 FC:118

1360.00 CH

Previous counsel for this application, Foley & Larnder, has withdrawn. Please therefore send all correspondence to

ELI LILLY AND COMPANY
Patent Division/TDW
Lilly Corporate Center
Indianapolis, Indiana 46285

and direct any telephone calls to:

Thomas D. Webster
Telephone: (317) 276-3334.

Respectfully submitted,



Thomas D. Webster
Attorney for Applicants
Registration No. 39,872
Phone: 317-276-3334

Eli Lilly and Company
Patent Division/TDW
Lilly Corporate Center
Indianapolis, Indiana 46285

November 4, 1997

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

Note: Effective November 10, 1998.
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$1,490.00)**METHOD OF PAYMENT** (check one)

- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number
Deposit Account Name

05-0840

Eli Lilly and Company

NOV 06 1998
MAILED
G. H. A. /

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. Payment Enclosed:

Check Money Order Other

FEE CALCULATION**1. FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Description	Fee Paid
101	760	201	380	Utility filing fee	
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	760	208	380	Reissue filing fee	
114	150	214	75	Provisional filing fee	

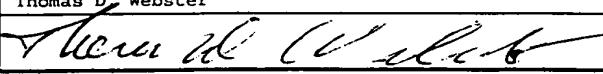
SUBTOTAL (1) (\$0)**2. CLAIMS**

Total Claims	-20=	X	18	=	
Independent Claims	-3=	X	78	=	
Multiple Dependent Claims			260	=	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim
109	78	209	39	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

ADDITIONAL FEES					
Charge Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath	130
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	218	680	Extension for reply within fourth month	1360
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,210	241	605	Petition to revive-unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design Issue Fee	
144	580	244	290	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))	
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$1,490.00)

SUBMITTED BY		Complete (if applicable)	
Typed Name	Thomas D. Webster	Reg. Number	39,872
Signature		Date	11/4/99

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on the date appearing below.

ELI LILLY AND COMPANY

K.B. Brades

By

11-4-99

Date



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER: 09/280,587 FILING RECEIPT DATE: 03/30/99 FIRST NAMED APPLICANT: BUMOL ATTORNEY DOCKET NO./TITLE: 040902-114

0242/0504

FOLEY & LARDNER
3600 K STREET N.W.
P.O. BOX 25696
SUITE 500
WASHINGTON DC 20007-8696 SEQ

NOT ASSIGNED

05/04/99 1646

DATE MAILED:

05/04/99

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.824 as indicated on the attached marked-up copy of the "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
7. OTHER:

APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b); or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- For Rules Interpretation, call (703) 308-1123.
- For CRF submission help, call (703) 308-4212.
- For Patent software help, call (703) 308-6856.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/280,567	03/30/99	BUMLI	T 0409020136

FOLEY & LARDNER
3000 K STREET NW
P O BOX 25696
SUITE 500
WASHINGTON DC 20007-8696



NOT ASSIGNED

1646

DATE MAILED:

05/04/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

small entity (statement filed) non-small entity is \$ 21564.

1. The statutory basic filing fee is:

missing.

insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ 270 for 15 total claims over 20.

\$ 1409 for 18 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.

does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER: Customer Service Center

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

D. M. et al. / [Signature]
Customer Service Center
Initial Patent Examination Division (703) 308-1202